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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,281	12/12/2001	Michael Wayne Brown	AUS920010819US1	7038
34533 7590 01/29/2009 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469				
EXAMINER				
ELAHEE, MD S				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
01/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MICHAEL WAYNE BROWN, JOSEPH HERBERT
MCINTYRE, MICHAEL A. PAOLINI, JAMES MARK WEAVER, and
SCOTT LEE WINTERS

Application No. 10/015,281
Technology Center 2600

Mailed: January 29, 2009

Before DALE M. SHAW *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection as provided in the Examiner's Answer mailed March 30, 2007 is either unclear or is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Furthermore, the examiner must provide a clear statement of whether examiner agrees or disagrees with the statement of grounds of rejection to be reviewed as set forth in the brief and an explanation of any disagreement. *See also Manual of Patent Examining Procedure (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.*

A review of the Examiner's Answer finds that the 112 2nd paragraph rejection of claim 52 found on page 2 of the final Office action dated August 25, 2008 has not been included.

Clarification of the record is required for all grounds of rejection to be reviewed on appeal for all claims.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed March 30, 2007;
- 2) generate a new Examiner's Answer setting forth the correct grounds of rejection and to correct other sections of the Answer as may be required; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/eld

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